

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 22961 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

Whether this case involves a substantial question
of law as to the interpretation of the

4 constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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SECRETARY & 1 - Petitioner(s)
Versus
AVANI NIRAML UPADHYAYA W/O.LATE NIRMAL AMBALA & 3 -
Respondent(s)

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Appearance :

MS REETA CHANDARANA, AGP for Petitioner(s) : 1 - 2.
MR BC DAVE for Respondent(s) : 1,
MR AM RAVAL for Respondent(s) : 3,
NOTICE SERVED for Respondent(s) :2

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 21/03/2006

ORAL JUDGMENT

1.While issuing rule on 15.12.2005, this Court had
granted ad-interim relief in terms of para 8(c) of the

petition. The petition is therefore placed before this Court for confirmation of interim relief. However, learned advocates appearing for the parties agreed to make submissions for final disposal of the petition itself.

2. After some discussion at the Bar, learned advocate Shri Dave appearing for respondent No.1 submitted that respondent No.1 seeks family pension on the strength of service rendered by her husband who has since expired. He submitted that the Tribunal has only directed consideration of the case of respondent No.1 for being granted family pension. He, therefore, submitted that respondent No.1 may be permitted to withdraw the proceedings filed by her before the Gujarat Affiliated Colleges Services Tribunal being Application No.21 of 2000 in which the Tribunal was pleased to pass the impugned order which has been challenged in this petition. He submitted that the respondent No.1 seeks to withdraw the said proceedings with a view to make a representation to the authorities.

3. Request of the learned advocate for respondent No.1 is accepted. Respondent No.1, at the request of her learned advocate, is permitted to withdraw Application No.21 of 2000 filed before Gujarat Affiliated Colleges

Services Tribunal for the purpose of making representation to the authorities. With this withdrawal, the order under challenge does not survive. The petition is therefore disposed of accordingly. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)